

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

United States of America

v.

Douglas Patrick Humphrey

Defendant(s)

Case No.

5:20-mj-00066

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 26, 2020 in the county of Raleigh in the
Southern District of West Virginia, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 2251(a) and (e)

Attempted Production of Child Pornography

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.*Det. H.W. Long**Complainant's signature*

Det. H.W. Long, Raleigh Co. Sheriff's Office

Printed name and title

Signed and sworn to by telephonic means.

~~Sworn to before me and signed in my presence.~~Date: December 10, 2020City and state: Bluefield, West Virginia*Omar J. Aboulhosn*Omar J. Aboulhosn
United States Magistrate Judge*Printed name and title*

AFFIDAVIT

I, Detective H.W. Long, being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Detective with the Raleigh County Sheriff's Office. I have been employed with the Raleigh County Sheriff's Office since November 2012. As part of my current assignment, I am responsible for investigating crimes involving the sexual exploitation of children, which are violations of state and federal law. I am a member of the West Virginia Internet Crimes Against Children Task Force and have been since 2017. I am currently a member of the FBI Violent Crimes against Children (VCAC) Task Force. I have been assigned to the VCAC Task Force since approximately 2019, and as such have assisted in multiple investigations with the task force. The VCAC task force conducts investigations into child exploitation, child pornography, sexual assaults, sexual abuse and human trafficking.

2. I make this affidavit in support of an application for a criminal complaint against DOUGLAS PATRICK HUMPHREY, age 32, charging him with a violation of 18 U.S.C. §§ 2251(a) and (e). That statute makes it illegal for any person to employ, use, persuade, induce, entice, or coerce any minor to engage in any sexually explicit conduct for the purpose of producing any visual

depiction of such conduct, or to attempt to do so, if such person knows or has reason to believe that such visual depiction will be transmitted using a means or facility of interstate commerce.

3. The information contained in this affidavit is based on an investigation conducted by a law enforcement employee acting in an undercover capacity and information I obtained from other law enforcement officers involved in this investigation.

4. Since this affidavit is being submitted for the limited purpose of establishing probable cause, I have attempted to summarize the most relevant facts that establish the requisite probable cause. Therefore, I have not included each and every fact of this investigation. Additionally, where conversations or statements are related herein, they are set forth in substance and in pertinent part.

BACKGROUND OF INVESTIGATION

5. On or about August 21, 2020, the parents of Minor Female 1, a 15-year-old girl, reported to the Raleigh County Sheriff's Office that Minor Female 1 had been sneaking out of the house to meet with an adult male she had met on Snapchat. Snapchat is a cellphone application that allows users to share messages, images, and short videos with other users through use of either the Internet or cellular networks (both of which are a means and facility of interstate commerce). A significant feature of

Snapchat is that "snaps" (pictures or videos that can have text superimposed on them) disappear shortly after being viewed by the recipient.

6. Minor Female 1's mother advised that her daughter admitted to her that she had been sneaking out to see a man she had met on Snapchat who had told her his name was Zach and he was 27-years-old. The mother advised that she believed Minor Female 1 had snuck out on three occasions in July and August 2020 to meet with "Zach." Minor Female 1's mother also stated that Minor Female 1 had said she and "Zach" met at the old Stoco Junior High School/Coal City Post Office in Raleigh County. Minor Female 1 told her mother that "Zach" knew she was a minor.

7. On August 21, 2020, Minor Female 1's mother signed a consent form allowing a law enforcement officer to take over Minor Female 1's Snapchat account in an undercover capacity.

8. Law enforcement interviewed Minor Female 1. Minor Female 1 described a man she had been communicating with on Snapchat for a few months. She stated that the man knew that she was 14-years-old when they first began communicating and that she turned 15 during summer 2020. Minor Female 1 stated that the man asked her to meet on numerous occasions and that they would engage in sexual intercourse when they met. She stated that he had both a yellowish-orange SUV and a black sports car. When they would meet, she

advised that he would pick her up at the end of her driveway.

9. Minor Female 1 further described the man as having brown hair that was short on the sides and slightly longer on top. She described two tattoos on the man: a cross tattoo on his forearm and a black tattoo resembling flames on his shoulder. She said that the man had also had abdominal surgery and he had showed her the bandages during one of their encounters.

10. Minor Female 1 stated that the man had used several different Snapchat accounts to communicate with her and provided law enforcement with the username that he was currently utilizing, "c_altsnap." She stated that during their conversations he had requested her to take a video of herself having sex with another man and send it to him via Snapchat. She advised that she had done as he requested and that this video was located in the "For My Eyes Only" folder in her Snapchat account.

11. Law enforcement reviewed Minor Female 1's Snapchat account and located a video in the "For My Eyes Only" folder that depicted Minor Female 1 engaged in sexual intercourse with an unknown male.

12. Through investigative methods, law enforcement identified the IP address associated with the Snapchat account "c_altsnap" belonged to the residence of DOUGLAS PATRICK HUMPHREY in Beckley, Raleigh County, West Virginia.

13. Law enforcement drove past HUMPHREY's residence on August 21, 2020, and observed a yellow Hummer SUV parked in the driveway.

14. Using DMV photographs, a photo array including HUMPHREY and five other males was shown to Minor Female 1 on August 23, 2020. At this time, Minor Female 1 did not identify anyone in the lineup as being the man she met from Snapchat.

15. On August 24, 2020, law enforcement again drove past HUMPHREY's residence, this time observing both the yellow Hummer SUV and a black Ford Mustang in the driveway. Both vehicles were registered to Douglas HUMPHREY.

16. On August 25, 2020, law enforcement again met with Minor Female 1 and her mother. Minor Female 1 advised that "c_altsnap" made her turn on the location service feature on her Snapchat account while they were chatting. This feature would allow "c_altsnap" to see where Minor Female 1 was located on a map.

17. On that date, while at Minor Female 1's residence in Raleigh County, an undercover officer (UCO) turned on the location services for Minor Female 1's Snapchat account and sent "c_altsnap" a "snap" via Snapchat advising that she missed him. When "c_altsnap" did not respond, the UCO turned off the location services and left Minor Female 1's residence.

18. Shortly after midnight on August 26, 2020, the UCO saw

that "c_altsnap" had sent Minor Female 1 a message via Snapchat. The UCO responded to the message while traveling to the location of Minor Female 1's residence. Upon arriving to the residence in Coal City, the UCO turned on the location services feature on Snapchat and continued to communicate with "c_altsnap."

19. During the ensuing Snapchat conversation,¹ "c_altsnap" asked Minor Female 1 to go have sex with a "black man" and send him a video of that encounter before he would meet up with her. The UCO told "c_altsnap" that she missed him and wanted to meet up with him before she would go make a video with another person for him. He agreed to meet, and a time to meet that evening was discussed. He also asked her if she was "ready for the dick" when they met.

20. At this time (approximately 2 a.m. on August 26, 2020) law enforcement observed a yellow Hummer leave the area of HUMPHREY's residence. Law enforcement followed this vehicle until

¹ The conversation, which took place via "snaps," was not preserved due to the UCO not having a secondary undercover device to use to take photographs of "snaps" onscreen before they disappeared. A feature of Snapchat is that a sender is notified if a user takes a screenshot of a snap on the receiving device, and thus "snaps" can only be preserved in a covert manner by using a second device to photograph the screen displaying a "snap." A preservation request was submitted to Snapchat for the account of "c_altsnap" on August 24, 2020, and law enforcement has served legal process on Snapchat to obtain records of any preserved "snaps" sent from the account and is in the process of attempting to obtain those records.

it arrived to the area where the UCO had arranged for "c_altsnap" to meet Minor Female 1 after they had discussed engaging in sexual activity. At this time, the yellow Hummer was stopped and its driver, Douglas Patrick HUMPHREY, was placed under arrest for solicitation of a minor in violation of West Virginia law. HUMPHREY was wearing a white tank top at the time of his arrest, which revealed a black cross-shaped tattoo on his left forearm, a black tattoo on his left shoulder, and a black tattoo on his right upper arm.

21. Following his arrest, HUMPHREY was advised of and waived his Miranda rights and agreed to be interviewed by law enforcement. During the interview, HUMPHREY acknowledged that he was the person using "c_altsnap" and was communicating with Minor Female 1, although he repeatedly claimed he did not know she was a minor and that she never "blatantly" said her age.

22. During the interview, HUMPHREY corroborated many details provided by Minor Female 1 to law enforcement. HUMPHREY stated that he and Minor Female 1 first began communicating on Snapchat at least two months prior and that he had spent time with her in person on three different occasions in and around the old school/post office in Coal City. HUMPHREY admitted that he had given Minor Female 1 a fake name, but he could not recall what fake name he had used. HUMPHREY confirmed that he would pick Minor

Female 1 up at the end of her road so that his car headlights would not wake up her parents. HUMPHREY said that he knew she had celebrated a birthday during the time they had been communicating over the summer. HUMPHREY stated that he had changed his Snapchat user name during the time he'd been communicating with Minor Female 1. HUMPHREY also told law enforcement that he had abdominal surgery in late July.

23. HUMPHREY also admitted to law enforcement that he had suggested to Minor Female 1 back in early July 2020 to have sex with another man, tell him the details about the encounter, and record it. He said that he suggested this because he had a substantial interest in porn, particularly inter-racial porn, and because he was trying to direct her interest toward another man because she was becoming "clingy." He stated that she did send him a short video of herself having sex with another man as a result of his request.

24. HUMPHREY claimed that he was "waiting till marriage"² to engage in sexual intercourse and that he never actually engaged in any contact with Minor Female 1 beyond holding her hand during the

² Later during the interview, HUMPHREY clarified that he had made the decision to abstain from sexual intercourse after he "found church" three or four years prior. He then later clarified further that it was after his almost two-year old child was conceived. He later admitted that he had engaged in sexual activity with another person a week or two prior to his arrest.

times they would meet in the middle of the night. HUMPHREY stated that Minor Female 1 was very interested in having sex with him, and that he deflected this by telling her to have sex with other men and record it. As he stated to law enforcement, "I have not had sex with her. Um, now did I, like, ask her to do it with other guys? Yeah, of course I did. But like, I never, like, physically did it myself though."

25. HUMPHREY also discussed the events of that evening with law enforcement. He acknowledged that he did make statements to Minor Female 1 over Snapchat such as asking whether she was "ready for the dick" when they met and if she was going to "ride this dick" just before he arrived at the planned meeting location. He claimed that he was just talking "big" in messages but that he had never had sex with her and did not plan to that evening. HUMPHREY also confirmed that he had asked Minor Female 1 to go record herself having sex with a black man and send it to him before he would meet with her. HUMPHREY further admitted that he and Minor Female 1 only communicated via the Snapchat application.

CONCLUSION

26. Based upon the information provided above, your affiant alleges that there exists probable cause to believe that DOUGLAS PATRICK HUMPHREY knowingly violated 18 U.S.C. §§ 2251(a) and (e), in that on or about August 26, 2020, he knowingly attempted to


persuade, induce, or entice a 15-year-old girl, Minor Female 1, to engage in sexually explicit conduct, that is, sexual intercourse, for the purpose of producing any visual depiction of such conduct. As HUMPHREY requested that this visual depiction be sent to him, he had reason to believe that it would be sent via the Snapchat application using either cellular networks or the Internet.



H.W. Long
Detective
Raleigh County Sheriff's Office

Signed and sworn to by telephonic means this 10th day of December, 2020.





Omar J. Aboulhosn
United States Magistrate Judge